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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,377

04/06/2005

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EXAMINER

ABDI, AMARA

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,377	<b>Applicant(s)</b> DRALLE ET AL.	
	<b>Examiner</b> Amara Abdi	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/06/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-7, 10-11, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (US 4,913,551).

#### **(1) Regarding claims 1 and 16:**

The recitation "a method of tracking objects among a plurality of like objects being transported from a geographical location" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Davis discloses a method and apparatus for measuring the total volume of a group of elongated objects (see the Abstract, line 1-2), comprising:

determining the geographical location of each individual object (Fig. 1, column 4, line 67), (the location contained in the data board information is read as geographical location),

taking at least one image of the object (column 4, line 38-40),

determining, from the at least one image of the object, characteristic data about each object enabling identifying the object (column 3, line 49-52), (the measurements of the length and diameters of the individuals logs are read as the determining of characteristics data),

transporting a plurality of objects, whose geographical location and characteristic data have been determined, from their geographical location to a handling station (Figures 2 and 3, column 5, line 11-17), (as shown in Figs 2 and 3, the plurality of objects are transported on the truck)

handling, at the handling station, a bundle comprising at least one of the objects and with at least a part of each object being visible (Fig. 4, column 5, line 28-47), (as shown in Figures 4 and 6, the objects being handled in the handling station), the handling including :

taking at least one image of the bundle of objects (column 5, line 28-30), and identifying, from the at least one image of the bundle of objects, each object in the bundle (column 7, line 28-36).

**(2) Regarding claim 2:**

Davis discloses the method, wherein the objects are logs (column 4, line 33).

**(3) Regarding claim 3:**

Davis discloses the method, wherein the geographical location (column 4, line 67) is the location of harvesting (column 1, line 13-14), (the location of harvesting is read as the location of the logs collected together in bundles).

**(4) Regarding claim 4:**

Davis discloses the method, wherein the characteristic data (column 3, line 49-52) includes the volume of each individual log (column 5, line 68)

**(5) Regarding claim 6:**

Davis discloses the method, wherein the characteristic data (column 3, line 49-52) includes the quality of each individual log (column 3, line 36).

**(6) Regarding claim 7:**

Davis discloses the method, wherein the characteristic data (column 3, line 49-52) includes the species of each individual log (column 5, line 46)

**(7) Regarding claim 10:**

Davis discloses the method, wherein the handling (Fig. 4, column 5, line 28-47) includes unloading the plurality of logs from a forwarder (see the Abstract, line 7-8), (the forwarder is read as a vehicle or track)

**(8) Regarding claim 11:**

Davis discloses the method, wherein the handling includes reloading the plurality of logs onto a forwarder (See the Abstract, line 2-3).

**(9) Regarding claim 14:**

Davis discloses a method, wherein the at least one image includes a pair of stereo images taken by a pair of cameras (Fig. 1, column 4, line 46), (the pair of camera is read as cameras 1 and 2).

**(10) Regarding claim 15:**

Davis discloses a method, wherein the pair of cameras is mounted on equipment handling the bundle of objects (Fig. 1, column 4, line 46-47).

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Solberg, Jr et al. (US 5, 900,590)

Davis discloses all the subject matter as described in claim 2 above.

Davis does not explicitly mention the measuring of mass of each individual log.

Solberg, Jr et al., in analogous environment, teaches a centrifugal measurement of mass, where measuring of mass of object from measurement of centrifugal force,  $F$ , angular velocity,  $w$ , and radial dimension,  $r$  (column 3, line 31-34).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Solberg, Jr et al., where measuring the mass

Art Unit: 2624

of objects, in the system of Davis in order to measure the mass of objects in any gravitational field, including in microgravity during space travel (column 3, line 4-6).

5. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Metcalfe et al. (US-PGPUB 2002/0024677).

**(1) Regarding claim 8:**

Davis discloses all the subject matter as described in claim 2 above.

Davis does not explicitly mention the curvature.

Metcalfe et al., in analogous environment, teaches a method and apparatus for scanning lumber and other objects, where reconstructing of object curved edges (paragraph [0025], line 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Metcalfe et al., where using the curvature edge, in the system of Davis, in order to economically and accurately measure object length as well as obtaining thickness and profile related information 9paragraph [0024], line 2-3).

**(2) Regarding claim 12:**

Davis discloses all the subject matter as described in claim 2 above.

Davis does not explicitly mention the sawmill.

Metcalfe et al., in analogous environment, teaches a method and apparatus for scanning lumber and other objects, where the boards are moving at high speed on conveyor lines in sawmills (paragraph [0006], line 2-3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Metcalfe et al., where using the sawmill, in the system of Davis, in order to economically and accurately measure object length as well as obtaining thickness and profile related information 9paragraph [0024], line 2-3).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Zhang et al. (US 6,069,861).

Davis discloses all the subject matter as described in claim 2 above.

Davis does not explicitly mention the taper of the log.

Zhang et al., in analogous environment, teaches a high density data storage system, where using the conical taper as a function of tip radius  $r$  compared to regular fiber radius  $R$  (column 4, line 28-30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Zhang et al., where using the taper function, in the system of Davis, in order to provide an optical read/write head for the great data storage and compact size disks (column 3, line 6-7).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Gildea (US 5,854,605).

Davis discloses all the subject matter as described in claim 1 above.

Davis do not explicitly mention the use of a satellite based global positioning system.



Gildea, in analogous environment, teaches a GSP receiver using data bit timing to achieve a fast time to first fix, where using a satellite based global positioning system (column 3, line 4-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Gildea, where using GPS system, in the system of Davis, in order to estimating and compensating for an internal clock time drift that occurs a standby mode (column 2, line 19-21).

**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amara Abdi whose telephone number is (571)270-1670. The examiner can normally be reached on Monday through Friday 8:00 Am to 4:00 PM E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amara Abdi/

Examiner, Art Unit 2624

**/Jingge Wu/****Supervisory Patent Examiner, Art Unit 2624**